



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

JEROME LONG,

Plaintiff,

vs.

EVANS CORRECTIONAL INSTITUTION,
et al.,

Defendants.

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CIVIL ACTION NO. 6:05-981-HFF-WMC

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE AND GRANTING SUMMARY JUDGMENT TO DEFENDANTS

I. INTRODUCTION

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding *pro se*. This matter is before the Court for review of the Magistrate Judge's Report and Recommendation (Report) made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d) for the District of South Carolina.

II. MAGISTRATE'S REPORT

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate or may recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his Report on October 6, 2005, and Plaintiff filed objections on October 25, 2005. Plaintiff's objections attack the Magistrate Judge's recommendation that Defendants' motion for summary judgment be granted, but they utterly fail to offer any specific arguments against the Magistrate's conclusions.

Specific objections are necessary to focus the Court's attention on disputed issues. *See Thomas v. Arn*, 474 U.S. 140, 147-48 (1985). Because general objections to a Magistrate Judge's report do not direct the Court's attention to any specific portion of the report, they are tantamount to a failure to object. *Howard v. Secretary of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *see also Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (failure to file specific objections to particular conclusions in magistrate judge's report, after warning of consequences of failure to object, waives further review). In this case, therefore, the Court is justified in adopting the Magistrate's report without further review of Plaintiff's claims. Nevertheless, the Court has, in an abundance of caution, reviewed, *de novo*, the record in this case. The Court finds that the Magistrate Judge was correct in recommending that summary judgment be entered in favor of Defendants. Specifically, the Court notes that Plaintiff has failed to produce any evidence in support of his original allegations.

Accordingly, the Court adopts the Report and incorporates it herein. Therefore, the Court finds that Defendant's motion for summary judgment should be, and hereby is, **GRANTED**.

IT IS SO ORDERED.

Signed this 25th day of October, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within **thirty(30)** days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.